

§Appl. No. 10/691,596  
Amdt. dated January 3, 2006  
Reply to Office Action of, October 3, 2005

### **REMARKS/ARGUMENTS**

Single independent claim 1 and claims 2-5 and 7-10 remain in this application for examination.

#### **Drawings:**

Applicant has amended the Specification to provide a written description for structure identified by the numerals 10A, 10B, 33A, 30A and 22A as is evident by the amendments to the description.

#### **Claim Objections:**

Claims 2-5 and 7-9 now have the proper identifier in that they are identified as previously presented.

#### **Claim Rejections Under 35 U.S.C. §112:**

Claims 1-5 and 7-9 have been rejected under 35 U.S.C. §112, second paragraph because the limitation "flow passage" in lines 5 and 8 insufficient antecedent basis and are unclear. Applicant has amended claim 1 to recite that there is a first flow passage (23A) in the first tubular extension (23) for higher flow drainage collection. By higher flow drainage collection, Applicant means collection which does not contain an excessive amount of sediment which occurs when there is light rain insufficient to overflow the wall (21). Furthermore, Applicant defines the second flow passages, i.e., the passages (34) and (35) as passages for low flow and sediment flow drainage so that sediment tends to bypass the first flow passage (23A) because the height of the fluid flow through the canale (10) blocks flow thereover into the connector (23).

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**Claim Rejections Under 35 U.S.C. §102:**

Claims 1-5 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Gilgan '889. Applicant respectfully traverses this rejection.

Applicant's entire disclosure, as supported by the specification, claims and drawings are directed to a downpipe connector system for attachment to a "canale." As is evident from Figs. 1-3, canales drain rainwater from flat roofs of Santa Fe style houses. In older style Santa Fe buildings, logs project outwardly from the outside walls of the building and have the appearance of being part of the support structure of the building. The logs are in fact short lengths of tree logs with channels formed in upwardly facing parts of the logs and extending along the log to form a gutter along which water from the roof may be conveyed. These logs are fitted flush with the inside of the parapet wall with the top of the canales flush or slightly lower than the flat roof surfaces. In newer buildings, canales are typically constructed from straight lengths of timber having channels lined with aluminum. Each channel has a flat base with a width of about eight inches. Rainwater when it exits the canale normally drops onto the ground, but in accordance with the present invention there is a need to collect this water for other uses. Clearly, in Gilgan et al. '889, the water is collected inboard of the edge of the roof instead of outboard of a buildings wall and outboard of the edge of the roof as is readily apparent in Figs. 2 and 3 of Gilgan et al..

Single independent claim 1 clearly relates the connector system to "a canale of a building" by reciting that the system includes a "connector passing through the base of the channel of the canale." Since Gilgan et al. '889 does not have a canale, it does not have the base of a canale and therefore there can be no anticipation under 35U.S.C. §102(b) since anticipation requires that every limitation of a claim be shown in a single reference. Accordingly, it is respectfully requested that the rejection under 35U.S.C. §102(b) based on Gilgan et al. '889 be withdrawn.

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**Claim Rejections Under 35 U.S.C. §103:**

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilgan in view of Woods '836. Applicant respectfully traverses this rejection.

The Examiner asserts that Gilgan et al, '889 shows the use of all the claimed invention but fails to show the use of a tubular extension that has a length of about 2 to 4 inches. Applicant directs the Examiner's attention to the previous discussion of Gilgan et al. '889 which establishes that Gilgan does not show the use of all the claimed invention because Gilgan is not directed to a downpipe connector system having a downpipe connector for attachment to a canale of a building wherein the canale has a first end in the roof and the second end outboard of the roof. In fact, Gilgan et al. '889 teaches away from such a structure because it is directed to a drainage system that is positioned in the middle of a roof. Clearly, Woods '836 does not cure the deficiency of Gilgan as a reference against Applicant's claims because as explained in Applicant's previous replies, Woods '836 is directed to a waste water fitting support for mixing seepage water with waste water that is passed through a waste water fitting. More specifically, Woods is directed to a wastewater fitting for bathroom and shower floors.

In view of these considerations, it is respectfully requested that the rejection under 35 U.S.C. §103(b) be withdrawn.

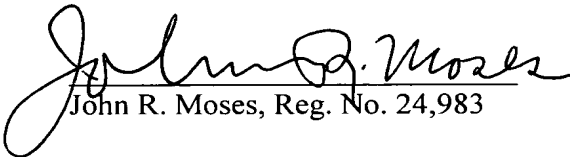
New claim 10 specifically recites that the claimed down pipe connector is outboard of the parapet (P) of the building.

In that this is a full and complete response to the Office Action of October 3, 2005, this application is now in condition for allowance. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

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The Commissioner is hereby authorized to charge any fees associated with this response  
or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



John R. Moses, Reg. No. 24,983

Millen, White, Zelano & Branigan  
Arlington Courthouse Plaza  
2200 Clarendon Blvd.  
Suite 1400  
Arlington, VA 22201  
(703) 812-5309

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**In the Drawings:**

Applicant proposes to add reference numerals 10A, 10B, 30A, 33A and 22A to Fig. 1; reference numerals to 16, 17 and 21 to Fig. 2 and reference numerals 21 and 22A to Fig. 3 as shown in red on the attached replacement sheets.